



General Assembly

Substitute Bill No. 167

January Session, 2007

* SB00167APP 052207 *

**AN ACT REVISING THE PROCESS FOR THE TAKING OF REAL
PROPERTY BY MUNICIPALITIES FOR REDEVELOPMENT AND
ECONOMIC DEVELOPMENT.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 8-193 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage and*
3 *applicable to property acquired on or after said date*):

4 (a) After approval of the development plan as provided in this
5 chapter, the development agency may proceed by purchase, lease,
6 exchange or gift with the acquisition or rental of real property within
7 the project area and real property and interests therein for rights-of-
8 way and other easements to and from the project area.

9 (b) (1) The development agency may, with the approval of the
10 legislative body in accordance with this subsection, and in the name of
11 the municipality, acquire by eminent domain real property located
12 within the project area and real property and interests therein for
13 rights-of-way and other easements to and from the project area, in
14 accordance with subsection (e) of this section and in the same manner
15 that a redevelopment agency may acquire real property under sections
16 8-128 to 8-133, inclusive, as amended by this act, as if said sections
17 specifically applied to development agencies, except that no real
18 property may be acquired by eminent domain pursuant to this

19 subsection for the primary purpose of increasing local tax revenue. The
20 legislative body shall not approve the use of eminent domain by the
21 development agency unless the legislative body has (A) considered the
22 benefits to the public and any private entity that will result from the
23 development project and determined that the public benefits outweigh
24 any private benefits, (B) determined that the current use of the real
25 property cannot be feasibly integrated into the overall development
26 plan, and (C) determined that the acquisition of the real property by
27 eminent domain is reasonably necessary to successfully achieve the
28 objectives of the development plan.

29 (2) Before the legislative body approves any acquisition by eminent
30 domain pursuant to this section, the legislative body shall conduct a
31 public hearing on the acquisition. The municipality shall cause notice
32 of the time, place and subject of the hearing to be published in a
33 newspaper having a substantial circulation in the municipality not
34 more than ten days before the date set for the hearing. Notice of the
35 time, place and subject of the hearing shall also be sent by first class
36 mail to the owners of record of the real property to be acquired by
37 eminent domain not less than ten days before the date of the hearing.

38 (3) (A) No parcel of real property may be acquired by eminent
39 domain under this section except by approval by vote of at least two-
40 thirds of the members of the legislative body of the municipality or, in
41 the case of a municipality for which the legislative body is a town
42 meeting or a representative town meeting, the board of selectmen.
43 Such approval shall be by (i) separate vote on each parcel of real
44 property to be acquired, or (ii) vote on one or more groups of such
45 parcels, provided each parcel to be acquired is identified for the
46 purposes of a vote on a group of such parcels under this
47 subparagraph.

48 (B) The municipality shall cause notice of any acquisition by
49 eminent domain approved under this subdivision to be published in a
50 newspaper having a substantial circulation in the municipality not
51 more than ten days after such approval.

52 (4) No parcel of real property may be acquired by eminent domain
53 more than five years after the approval of the development plan unless
54 the development agency submits documentation to the legislative
55 body sufficient for the legislative body to determine that acquisition of
56 the parcel is necessary to implement the development plan, except that
57 if there is a subsequent material change to the development plan, no
58 such parcel of real property may be acquired by eminent domain more
59 than five years after the date the material change to the plan is adopted
60 unless the development agency submits documentation to the
61 legislative body sufficient for the legislative body to determine that the
62 acquisition of the parcel is necessary to implement the development
63 plan.

64 (c) The development agency may, with the approval of the
65 legislative body and, of the commissioner if any grants were made by
66 the state under section 8-190 or 8-195 for such development project,
67 and in the name of such municipality, transfer by sale or lease at fair
68 market value or fair rental value, as the case may be, the whole or any
69 part of the real property in the project area to any person, in
70 accordance with the project plan and such disposition plans as may
71 have been determined by the commissioner.

72 [(b)] (d) A development agency shall have all the powers necessary
73 or convenient to undertake and carry out development plans and
74 development projects, including the power to clear, demolish, repair,
75 rehabilitate, operate, or insure real property while it is in its
76 possession, to make site improvements essential to the preparation of
77 land for its use in accordance with the development plan, to install,
78 construct or reconstruct streets, utilities and other improvements
79 necessary for carrying out the objectives of the development project,
80 and, in distressed municipalities, as defined in section 32-9p, to lend
81 funds to businesses and industries in a manner approved by the
82 commissioner.

83 (e) (1) On and after the effective date of this section, on the date a
84 certificate of taking is filed pursuant to section 8-129, as amended by

85 this act, for property acquired by eminent domain pursuant to this
86 section, the development agency shall record with the certificate of
87 taking separate findings that itemize the value of the real property and
88 the value of any structures or improvements on the real property so
89 acquired.

90 (2) (A) With respect to real property acquired by eminent domain
91 pursuant to this section on or after the effective date of this section, if
92 the development agency or municipality does not use the real property
93 for the purpose for which it was acquired or for some other public use
94 and seeks to sell the property, the development agency or municipality
95 shall first offer the real property for sale pursuant to subparagraph (B)
96 of this subdivision to the person from whom the real property was
97 acquired, or heirs of the person designated pursuant to subparagraph
98 (B) of this subdivision, if any, for a price not greater than the amount of
99 compensation paid to acquire such real property, after any appeal or
100 settlement, less (i) the value set forth in the recorded findings of any
101 structures or improvements that were removed from the real property
102 by the development agency or its designee after the real property was
103 acquired, and (ii) the amount of any depreciation, as defined in section
104 45a-542z. After the municipality provides notice pursuant to
105 subparagraph (B) of this subdivision, the development agency or
106 municipality may not sell such property to a third party unless the
107 development agency or municipality has permitted the person or
108 designated heirs six months to exercise the right to purchase the
109 property, and an additional six months to finalize the purchase if the
110 person or designated heirs provide the development agency or
111 municipality with notice of intent to purchase the property within the
112 initial six-month period.

113 (B) For the purposes of any offer of sale pursuant to this subsection,
114 the municipality shall provide a form to any person whose property is
115 acquired by eminent domain pursuant to this section on or after the
116 effective date of this section to permit such person to provide an
117 address for notice of sale to be sent, or to provide the name and
118 address of an agent to receive such notice. Such form shall be designed

119 to permit the person to designate heirs of the person who shall be
120 eligible to purchase such property pursuant to this subsection. The
121 person or agent shall update information in the form in writing. If the
122 person or agent does not provide or update the information in the
123 form in a manner that permits the municipality to send notice of sale
124 pursuant to this subsection, no such notice shall be required under this
125 subsection.

126 Sec. 2. Section 8-189 of the general statutes is repealed and the
127 following is substituted in lieu thereof (*Effective from passage*):

128 The development agency may initiate a development project by
129 preparing a project plan [therefor] in accordance with regulations [of]
130 adopted by the commissioner pursuant to section 8-198. The project
131 plan shall meet an identified public need and include: [(a)] (1) A legal
132 description of the land within the project area; [(b)] (2) a description of
133 the present condition and uses of such land or building; [(c)] (3) a
134 description of the process utilized by the agency to prepare the plan
135 and a description of alternative approaches considered to achieve
136 project objectives; (4) a description of the types and locations of land
137 uses or building uses proposed for the project area; [(d)] (5) a
138 description of the types and locations of present and proposed streets,
139 sidewalks and sanitary, utility and other facilities and the types and
140 locations of other proposed site improvements; [(e)] (6) statements of
141 the present and proposed zoning classification and subdivision status
142 of the project area and the areas adjacent to the project area; [(f)] (7) a
143 plan for relocating project-area occupants; [(g)] (8) a financing plan;
144 [(h)] (9) an administrative plan; [(i)] (10) a marketability and proposed
145 [land-use] land use study or building use study if required by the
146 commissioner; [(j)] (11) appraisal reports and title searches; [(k)] (12) a
147 [statement of] description of the public benefits of the project
148 including, but not limited to, (A) the number of jobs which the
149 development agency anticipates would be created by the project; [and]
150 (B) the estimated property tax benefits; (C) the number and types of
151 existing housing units in the municipality in which the project would
152 be located, and in contiguous municipalities, which would be available

153 to employees filling such jobs; [and (I)] (D) a general description of
154 infrastructure improvements, including public access, facilities or use,
155 that the development agency anticipates may be needed to implement
156 the development plan; (E) a general description of the development
157 agency's goals for blight remediation or, if known, environmental
158 remediation; (F) a general description of any aesthetic improvements
159 that the development agency anticipates may be generated by the
160 project; (G) a general description of the project's intended role in
161 increasing or sustaining market value of land in the municipality; (H) a
162 general description of the project's intended role in assisting residents
163 of the municipality to improve their standard of living; and (I) a
164 general statement of the project's role in maintaining or enhancing the
165 competitiveness of the municipality; (13) findings that (A) the land and
166 buildings within the project area will be used principally for industrial
167 or business purposes; [that] (B) the plan is in accordance with the plan
168 of development for the municipality adopted by its planning
169 commission under section 8-23, and the plan of development of the
170 regional planning agency adopted under section 8-35a, if any, for the
171 region within which the municipality is located; [that] (C) the plan is
172 not inimical to [any] the state plan of conservation and development
173 adopted under chapter 297 and any other state-wide planning
174 program objectives of the state or state agencies as coordinated by the
175 Secretary of the Office of Policy and Management; [that] and (D) the
176 project will contribute to the economic welfare of the municipality and
177 the state; and that to carry out and administer the project, public action
178 under this chapter is required; and (14) a preliminary statement
179 describing the proposed process for acquiring each parcel of real
180 property. Any plan [which] that has been prepared by a
181 redevelopment agency under chapter 130 may be submitted by the
182 development agency to the legislative body and to the commissioner in
183 lieu of a plan initiated and prepared in accordance with this section,
184 provided all other requirements of this chapter for obtaining the
185 approval of the commissioner of the project plan are satisfied.

186 Sec. 3. Section 8-191 of the general statutes is repealed and the

187 following is substituted in lieu thereof (*Effective from passage*):

188 (a) Before the development agency adopts a plan for a development
189 project, (1) the planning commission of the municipality shall find that
190 the plan is in accord with the plan of development for the
191 municipality; and (2) the regional planning agency, if any, for the
192 region within which such municipality is located shall find that such
193 plan is in accord with the plan of development for such region, or if
194 such agency fails to make a finding concerning [said] the plan within
195 thirty-five days of receipt [thereof] of the plan by such agency, it shall
196 be presumed that such agency does not disapprove of [such] the plan;
197 and (3) the development agency shall hold at least one public hearing
198 [thereon] on the plan. At least thirty-five days prior to any public
199 hearing held under this section, the development agency shall post the
200 draft plan on the Internet web site of the development agency, if any.
201 Upon approval by the development agency, the agency shall submit
202 [such] the plan to the legislative body which shall vote to approve or
203 disapprove the plan. After approval of the plan by the legislative body,
204 the development agency shall submit the plan for approval to the
205 commissioner. Notice of the time, place and subject of any public
206 hearing held under this section shall be published once in a newspaper
207 of general circulation in [such town] the municipality, such publication
208 to be made not less than one week nor more than three weeks prior to
209 the date set for the hearing. In the event the commissioner requires a
210 substantial modification of the project plan before giving approval,
211 then upon the completion of such modification such plan shall first
212 have a public hearing and then be approved by the development
213 agency and the legislative body. Any legislative body, agency or
214 commission in approving a plan for a development project shall
215 specifically approve the findings made [therein] in the plan.

216 (b) The provisions of subsection (a) of this section with respect to
217 submission of a development project to and approval by the
218 commissioner shall not apply to a project for which no grant has been
219 made under section 8-190 and no application for a grant is to be made
220 under section 8-195.

221 Sec. 4. Section 8-200 of the general statutes is repealed and the
222 following is substituted in lieu thereof (*Effective from passage and*
223 *applicable to property acquired on or after said date*):

224 (a) A development plan may be modified at any time by the
225 development agency, provided, if modified after the lease or sale of
226 real property in the development project area, the modification must
227 be consented to by the lessees or purchasers of such real property or
228 their successor or successors in interest affected by the proposed
229 modification. Where the proposed modification will substantially
230 change the development plan as previously approved, the
231 modification must be approved in the same manner as the
232 development plan.

233 (b) If after three years from the date of approval of the development
234 plan the development agency has been unable to transfer by sale or
235 lease at fair market value or fair rental value, as the case may be, the
236 whole or any part of the real property acquired in the project area to
237 any person in accordance with the project plan, and no grant has been
238 made for such project pursuant to section 8-195, the municipality may,
239 by vote of its legislative body, abandon the project plan and such real
240 property may be conveyed free of any restriction, obligation or
241 procedure imposed by the plan but shall be subject to all other local
242 and state laws, ordinances or regulations, including, but not limited to,
243 any offer of sale required under subsection (e) of section 8-193, as
244 amended by this act.

245 Sec. 5. Section 32-224 of the general statutes is repealed and the
246 following is substituted in lieu thereof (*Effective from passage and*
247 *applicable to property acquired on or after said date*):

248 (a) Any municipality which has a planning commission may, by
249 vote of its legislative body, designate an implementing agency to
250 exercise the powers granted under sections 32-220 to 32-234, inclusive.
251 Any municipality may, with the approval of the commissioner,
252 designate a separate implementing agency for each municipal

253 development project undertaken by such municipality pursuant to
254 said sections.

255 (b) The implementing agency may initiate a municipal development
256 project by preparing and submitting a development plan to the
257 commissioner. Such plan shall meet an identified public need and
258 include: (1) A legal description of the real property within the
259 boundaries of the project area; (2) a description of the present
260 condition and uses of such real property; (3) a description of the
261 process utilized by the agency to prepare the plan and a description of
262 alternative approaches considered to achieve project objectives; (4) a
263 description of the types and locations of land uses or building uses
264 proposed for the project area; [(4)] (5) a description of the types and
265 locations of present and proposed streets, sidewalks and sanitary,
266 utility and other facilities and the types and locations of other
267 proposed project improvements; [(5)] (6) statements of the present and
268 proposed zoning classification and subdivision status of the project
269 area and the areas adjacent to the project area; [(6)] (7) a plan for
270 relocating project area occupants; [(7)] (8) a financing plan; [(8)] (9) an
271 administrative plan; [(9)] (10) an environmental analysis, marketability
272 and proposed land use study, or building use study if required by the
273 commissioner; [(10)] (11) appraisal reports and title searches if
274 required by the commissioner; [(11)] (12) a description of the
275 [economic] public benefit of the project, including, but not limited to,
276 (A) the number of jobs which the implementing agency anticipates
277 would be created or retained by the project, (B) the estimated property
278 tax benefits, [and] (C) the number and types of existing housing units
279 in the municipality in which the project would be located, and in
280 contiguous municipalities, which would be available to employees
281 filling such jobs, [and (12)] (D) a general description of infrastructure
282 improvements, including public access, facilities or use, that the
283 implementing agency anticipates may be needed to implement the
284 development plan; (E) a general description of the implementing
285 agency's goals for blight remediation or, if known, environmental
286 remediation; (F) a general description of any aesthetic improvements

287 that the implementing agency anticipates may be generated by the
288 project; (G) a general description of the project's intended role in
289 increasing or sustaining market value of land in the municipality; (H) a
290 general description of the project's intended role in assisting residents
291 of the municipality to improve their standard of living; and (I) a
292 general statement of the project's role in maintaining or enhancing the
293 competitiveness of the municipality; (13) a finding that (A) the land
294 and buildings within the boundaries of the project area will be used
295 principally for manufacturing or other economic base business
296 purposes or business support services; (B) the plan is in accordance
297 with the plan of development for the municipality, if any, adopted by
298 its planning commission under section 8-23, and the plan of
299 development of the regional planning agency adopted under section 8-
300 35a, if any, for the region within which the municipality is located; (C)
301 the plan is not inimical to [any] the state plan of conservation and
302 development adopted under chapter 297 and any other state-wide
303 planning program objectives of the state or state agencies as
304 coordinated by the Secretary of the Office of Policy and Management;
305 and (D) the project will contribute to the economic welfare of the
306 municipality and the state and that to carry out and administer the
307 project, public action under sections 32-220 to 32-234, inclusive, is
308 required; and (14) a preliminary statement describing the proposed
309 process for acquiring each parcel of real property. The provisions of
310 this subsection with respect to submission of a development plan to
311 and approval by the commissioner and with respect to a finding that
312 the plan is not inimical to any state-wide planning program objectives
313 of the state or its agencies shall not apply to a project for which no
314 financial assistance has been given and no application for financial
315 assistance is to be made under section 32-223. Any plan [which] that
316 has been prepared under [chapters] chapter 130, 132 or 588a may be
317 submitted by the implementing agency to the legislative body of the
318 municipality and to the commissioner in lieu of a plan initiated and
319 prepared in accordance with this section, provided all other
320 requirements of sections 32-220 to 32-234, inclusive, for obtaining the
321 approval of the commissioner of the development plan are satisfied.

322 Any action taken in connection with the preparation and adoption of
323 such plan shall be deemed effective to the extent such action satisfies
324 the requirements of said sections.

325 (c) No plan shall be adopted unless the planning commission of the
326 municipality finds that the plan is in accord with the plan of
327 development, if any, for the municipality and the regional planning
328 agency, if any, organized under chapter 127 for the region within
329 which such municipality is located finds that such plan is in accord
330 with the plan of development, if any, for such region. If the regional
331 planning agency fails to make a finding concerning the plan within
332 thirty-five days of receipt thereof, by such agency, it shall be presumed
333 that such agency does not disapprove of the plan. The implementing
334 agency shall hold at least one public hearing on the plan and shall
335 cause notice of the time, place, and subject of any public hearing to be
336 published at least once in a newspaper of general circulation in the
337 municipality not less than one week nor more than three weeks prior
338 to the date of such public hearing. At least thirty-five days prior to any
339 public hearing held under this subsection, the implementing agency
340 shall post the draft plan on the Internet web site of the implementing
341 agency, if any. Upon adoption of the plan the implementing agency
342 shall submit the plan to the legislative body of the municipality for
343 approval or disapproval. Any approval by the implementing agency
344 and legislative body of the municipality made under this section shall
345 specifically provide for approval of any findings contained therein.
346 After approval of the plan by the legislative body of the municipality,
347 [such] the plan shall be submitted to the commissioner for [his] the
348 commissioner's approval. If the commissioner requires a substantial
349 modification of the plan as a condition of approval, the plan shall be
350 subject to a public hearing and approval by the implementing agency
351 and the legislative body of the municipality in accordance with the
352 provisions of this subsection.

353 (d) A development plan may be modified at any time by the
354 implementing agency, provided, if modified after the lease or sale of
355 real property in the project area, the lessees or purchasers of such real

property or their successor or successors in interest affected by the proposed modification shall consent to such modification. If the proposed modification will substantially alter the development plan as previously approved, the modification shall be subject to the approval of the local legislative body of the municipality and the commissioner in the same manner as approval of the development plan. The municipality may, by vote of its legislative body, abandon the development plan and convey such real property within the boundaries of the project area free of any restriction, obligation or procedure imposed by the plan subject to all other local and state laws, ordinances or regulations, including, but not limited to, any offer of sale required under subsection (i) of this section, if after three years from the date of approval of the plan the implementing agency has not transferred by sale or lease all or any part of the real property acquired in the project area to any person in accordance with the development plan and no grant of financial assistance under sections 32-220 to 32-234, inclusive, has been given for such project other than for activities related to the planning of the project pursuant to section 32-222.

(e) The implementing agencies of two or more municipalities may, after approval by each legislative body thereof, jointly initiate a development project if the project area is to be located in one or more of such municipalities. Such implementing agencies, after approval by the commissioner of the development plan for the project if any state aid is to be requested under section 32-223, may enter into and amend subject to the approval of the commissioner, an agreement to jointly carry out the development plan. Such agreement may include provisions for furnishing municipal services to the project and sharing costs of and revenues from the project, including property tax and rental receipts. The development plan shall include a proposed form of the agreement to be entered into by the municipalities. Each municipality which is a party to an agreement may make appropriations and levy taxes in accordance with the provisions of the general statutes and may issue bonds in accordance with section 32-227 to further its obligations under the agreement.

390 (f) As used in this subsection, "public service facility" includes any
391 sewer, pipe, main conduit, cable, wire, pole, tower, building or utility
392 appliance owned or operated by an electric, gas, telephone, telegraph
393 or water company. Whenever an implementing agency determines
394 that the closing of any street or public right-of-way is provided for in a
395 development plan adopted and approved in accordance with sections
396 32-220 to 32-234, inclusive, or where the carrying out of such a
397 development plan, including the construction of new improvements,
398 requires the temporary or permanent readjustment, relocation or
399 removal of a public service facility from a street or public right-of-way,
400 the implementing agency shall issue an appropriate order to the
401 company owning or operating such facility. Such company shall
402 permanently or temporarily readjust, relocate or remove the public
403 service facility promptly in accordance with such order, provided an
404 equitable share of the cost of such readjustment, relocation or removal,
405 including the cost of installing and constructing a facility of equal
406 capacity in a new location, shall be borne by the implementing agency.
407 Such equitable share shall be fifty per cent of such cost after the
408 deduction hereinafter provided. In establishing the equitable share of
409 the cost to be borne by the implementing agency, there shall be
410 deducted from the cost of the readjusted, relocated or removed
411 facilities a sum based on a consideration of the value of materials
412 salvaged from existing installations, the cost of the original installation,
413 the life expectancy of the original facility and the unexpired term of
414 such life use. The books and records of the company shall be made
415 available for inspection by the implementing agency to determine the
416 equitable share of the cost of such readjustment, relocation or removal.
417 When any facility is removed from a street or public right-of-way to a
418 private right-of-way, the implementing agency shall not pay for such
419 private right-of-way. If the implementing agency and the company
420 owning or operating such facility cannot agree upon the share of the
421 cost to be borne by the implementing agency, such agency or the
422 company may apply to the superior court for the judicial district
423 within which the street or public right-of-way is situated, or, if the
424 court is not in session, to any judge thereof, for a determination of the

425 cost to be borne by the implementing agency. The court or the judge,
426 after causing notice of the pendency of such application to be given to
427 the other party, shall appoint a state referee to make such
428 determination. The referee, having given at least ten days' notice to the
429 interested parties of the time and place of the hearing, shall hear both
430 parties, take such testimony as he may deem material and thereupon
431 determine the amount of the cost to be borne by the implementing
432 agency. The referee shall immediately report the amount to the court.
433 If the report is accepted by the court, such determination shall, subject
434 to right of appeal as in civil actions, be conclusive upon such parties.

435 (g) After approval of the development plan pursuant to sections 32-
436 220 to 32-234, inclusive, the implementing agency may by purchase,
437 lease, exchange or gift acquire or rent real property necessary or
438 appropriate for the project as identified in the development plan and
439 real property and interests therein for rights-of-way and other
440 easements to and from the project area.

441 (h) (1) The implementing agency may, with the approval of the
442 legislative body of the municipality, and in the name of the
443 municipality, condemn in accordance with section 8-128 to 8-133,
444 inclusive, as amended by this act, any real property necessary or
445 appropriate for the project as identified in the development plan,
446 including real property and interests in land for rights-of-way and
447 other easements to and from the project area, except that no real
448 property may be condemned pursuant to this section for the primary
449 purpose of increasing local tax revenue. The legislative body shall not
450 approve the use of condemnation by the implementing agency unless
451 the legislative body has (A) considered the benefits to the public and
452 any private entity that will result from the municipal development
453 project and determined that the public benefits outweigh any private
454 benefits, (B) determined that the current use of the real property
455 cannot be feasibly integrated into the overall development plan, and
456 (C) determined that the acquisition of the real property by
457 condemnation is reasonably necessary to successfully achieve the
458 objectives of the development plan.

459 (2) Before the legislative body approves any acquisition by
460 condemnation pursuant to this subsection, the legislative body shall
461 conduct a public hearing on the acquisition. The municipality shall
462 cause notice of the time, place and subject of the hearing to be
463 published in a newspaper having a substantial circulation in the
464 municipality not more than ten days before the date set for the hearing.
465 Notice of the time, place and subject of the hearing shall also be sent by
466 first class mail to the owners of record of the real property to be
467 acquired by condemnation not less than ten days before the date of the
468 hearing.

469 (3) (A) No parcel of real property may be acquired by condemnation
470 under this subsection except by approval by vote of at least two-thirds
471 of the members of the legislative body of the municipality or, in the
472 case of a municipality for which the legislative body is a town meeting
473 or a representative town meeting, the board of selectmen. Such
474 approval shall be by (i) separate vote on each parcel of real property to
475 be acquired, or (ii) vote on one or more groups of such parcels,
476 provided each parcel to be acquired is identified for the purposes of a
477 vote on a group of such parcels under this subparagraph.

478 (B) The municipality shall cause notice of any acquisition by
479 condemnation approved under this subdivision to be published in a
480 newspaper having a substantial circulation in the municipality not
481 more than ten days after such approval.

482 (4) No parcel of real property may be acquired by condemnation
483 more than five years after the approval of the development plan unless
484 the implementing agency submits documentation to the legislative
485 body sufficient for the legislative body to determine that acquisition of
486 the parcel is necessary to implement the development plan, except that
487 if there is a subsequent material change to the development plan, no
488 such parcel of real property may be acquired by condemnation more
489 than five years after the date the material change to the plan is adopted
490 unless the implementing agency submits documentation to the
491 legislative body sufficient for the legislative body to determine that the

492 acquisition of the parcel is necessary to implement the development
493 plan.

494 (i) (1) On and after the effective date of this section, on the date a
495 certificate of taking is filed pursuant to section 8-129, as amended by
496 this act, for property acquired by condemnation pursuant to this
497 section, the implementing agency shall record with the certificate of
498 taking separate findings that itemize the value of the real property and
499 the value of any structures or improvements on the real property so
500 acquired.

501 (2) (A) With respect to real property acquired by condemnation
502 pursuant to this section on or after the effective date of this section, if
503 the implementing agency or municipality does not use the real
504 property for the purpose for which it was acquired or for some other
505 public use and seeks to sell the real property, the implementing agency
506 or municipality shall first offer the real property for sale pursuant to
507 subparagraph (B) of this subdivision to the person from whom the real
508 property was acquired, or heirs of the person designated pursuant to
509 subparagraph (B) of this subdivision, if any, for a price not greater than
510 the amount of compensation paid to acquire such real property, after
511 any appeal or settlement, less (i) the value set forth in the recorded
512 findings of any structures or improvements that were removed from
513 the real property by the implementing agency or its designee after the
514 real property was acquired, and (ii) the amount of any depreciation, as
515 defined in section 45a-542z. After the municipality provides notice
516 pursuant to subparagraph (B) of this subdivision, the implementing
517 agency or municipality may not sell such property to a third party
518 unless the implementing agency or municipality has permitted the
519 person or designated heirs six months to exercise the right to purchase
520 the property, and an additional six months to finalize the purchase if
521 the person or designated heirs provide the implementing agency or
522 municipality with notice of intent to purchase the property within the
523 initial six-month period.

524 (B) For the purposes of any offer of sale pursuant to this subsection,

525 the municipality shall provide a form to any person whose property is
526 acquired by condemnation pursuant to this section on or after the
527 effective date of this section to permit such person to provide an
528 address for notice of sale to be sent, or to provide the name and
529 address of an agent to receive such notice. Such form shall be designed
530 to permit the person to designate heirs of the person who shall be
531 eligible to purchase such property pursuant to this subsection. The
532 person or agent shall update information in the form in writing. If the
533 person or agent does not provide or update the information in the
534 form in a manner that permits the municipality to send notice of sale
535 pursuant to this subsection, no such notice shall be required under this
536 subsection.

537 Sec. 6. Section 8-128 of the general statutes is repealed and the
538 following is substituted in lieu thereof (*Effective from passage and*
539 *applicable to property acquired on or after said date*):

540 (a) Within a reasonable time after its approval of the redevelopment
541 plan as [hereinbefore] provided in section 8-127, the redevelopment
542 agency may proceed with the acquisition or rental of real property by
543 purchase, lease, exchange or gift. The redevelopment agency may
544 acquire real property by eminent domain with the approval of the
545 legislative body of the municipality and in accordance with the
546 provisions of sections 8-129 to 8-133, inclusive, as amended by this act,
547 and this section. The legislative body in its approval of a project under
548 section 8-127 shall specify the time within which real property is to be
549 acquired. The time for acquisition may be extended by the legislative
550 body in accordance with section 48-6, upon request of the
551 redevelopment agency, provided the owner of the real property
552 consents to such request. Real property may be acquired previous to
553 the adoption or approval of the project area redevelopment plan,
554 provided the real property acquired shall be located within an area
555 designated on the general plan as an appropriate redevelopment area
556 or within an area whose boundaries are defined by the planning
557 commission as an appropriate area for a redevelopment project, and
558 provided such acquisition shall be authorized by the legislative body.

559 The redevelopment agency may clear, repair, operate or insure such
560 real property while it is in its possession or make site improvements
561 essential to preparation for its use in accordance with the
562 redevelopment plan.

563 (b) (1) On and after the effective date of this section, on the date a
564 certificate of taking is filed pursuant to section 8-129, as amended by
565 this act, for property acquired by eminent domain pursuant to this
566 section, the redevelopment agency shall record with the certificate of
567 taking separate findings that itemize the value of the real property and
568 the value of any structures or improvements on the real property so
569 acquired.

570 (2) (A) With respect to real property acquired by eminent domain
571 pursuant to this section on or after the effective date of this section, if
572 the redevelopment agency or municipality does not use real property
573 for the purpose for which it was acquired or for some other public use
574 and seeks to sell the real property, the redevelopment agency or
575 municipality shall first offer the real property for sale pursuant to
576 subparagraph (B) of this subdivision to the person from whom the real
577 property was acquired, or heirs of the person designated pursuant to
578 subparagraph (B) of this subdivision, if any, for a price not greater than
579 the amount of compensation paid to acquire such real property, after
580 any appeal or settlement, less (i) the value set forth in the recorded
581 findings of any structures or improvements that were removed from
582 the real property by the redevelopment agency or its designee after the
583 real property was acquired, and (ii) the amount of any depreciation, as
584 defined in section 45a-542z. After the municipality provides notice
585 pursuant to subparagraph (B) of this subdivision, the redevelopment
586 agency or municipality may not sell such property to a third party
587 unless the redevelopment agency or municipality has permitted the
588 person or designated heirs six months to exercise the right to purchase
589 the property, and an additional six months to finalize the purchase if
590 the person or designated heirs provide the redevelopment agency or
591 municipality with notice of intent to purchase the property within the
592 initial six-month period.

593 (B) For the purposes of any offer of sale pursuant to this subsection,
594 the municipality shall provide a form to any person whose property is
595 acquired by eminent domain pursuant to this section on or after the
596 effective date of this section to permit such person to provide an
597 address for notice of sale to be sent, or to provide the name and
598 address of an agent to receive such notice. Such form shall be designed
599 to permit the person to designate heirs of the person who shall be
600 eligible to purchase such property pursuant to this subsection. The
601 person or agent shall update information in the form in writing. If the
602 person or agent does not provide or update the information in the
603 form in a manner that permits the municipality to send notice of sale
604 pursuant to this subsection, no such notice shall be required under this
605 subsection.

606 Sec. 7. Section 8-129 of the general statutes is repealed and the
607 following is substituted in lieu thereof (*Effective from passage and*
608 *applicable to property acquired on or after said date*):

609 (a) The redevelopment agency shall determine the compensation to
610 be paid to the persons entitled thereto for [such] real property [and] to
611 be acquired by eminent domain pursuant to section 8-128, as amended
612 by this act. The redevelopment agency shall have two independent
613 appraisals conducted on the real property and shall base the
614 compensation on the greater amount indicated in the appraisals. Each
615 appraisal shall be conducted by a state certified real estate appraiser
616 without consultation with the appraiser conducting the other
617 independent appraisal, and shall be conducted in accordance with
618 generally accepted standards of professional appraisal practice as
619 described in the Uniform Standards of Professional Appraisal Practice
620 issued by the Appraisal Standards Board of the Appraisal Foundation
621 pursuant to Title XI of FIRREA and any regulations adopted pursuant
622 to section 20-504. The redevelopment agency shall file a statement of
623 compensation, containing a description of the property to be taken and
624 the names of all persons having a record interest therein and setting
625 forth the amount of such compensation, and a deposit as provided in
626 section 8-130, with the clerk of the superior court for the judicial

627 district in which the property affected is located.

628 **(b)** Upon filing such statement of compensation and deposit, the
629 redevelopment agency shall forthwith cause to be recorded, in the
630 office of the town clerk of each town in which the property is located, a
631 copy of such statement of compensation, such recording to have the
632 same effect and to be treated the same as the recording of a lis
633 pendens, and shall forthwith give notice, as provided in this section, to
634 each person appearing of record as an owner of property affected
635 thereby and to each person appearing of record as a holder of any
636 mortgage, lien, assessment or other encumbrance on such property or
637 interest therein **[(a)] (1)** in the case of any such person found to be
638 residing within this state, by causing a copy of such notice, with a copy
639 of such statement of compensation, to be served upon each such
640 person by a state marshal, constable or indifferent person, in the
641 manner set forth in section 52-57 for the service of civil process, and
642 **[(b)] (2)** in the case of any such person who is a nonresident of this
643 state at the time of the filing of such statement of compensation and
644 deposit or of any such person whose whereabouts or existence is
645 unknown, by mailing to each such person a copy of such notice and of
646 such statement of compensation, by registered or certified mail,
647 directed to **[his] such person's** last-known address, and by publishing
648 such notice and such statement of compensation at least twice in a
649 newspaper published in the judicial district and having daily or
650 weekly circulation in the town in which such property is located. Any
651 such published notice shall state that it is notice to the widow or
652 widower, heirs, representatives and creditors of the person holding
653 such record interest, if such person is dead. If, after a reasonably
654 diligent search, no last-known address can be found for any interested
655 party, an affidavit stating such fact, and reciting the steps taken to
656 locate such address, shall be filed with the clerk of the superior court
657 and accepted in lieu of mailing to the last-known address.

658 **(c)** Not less than twelve days or more than ninety days after such
659 notice and such statement of compensation have been so served or so

660 mailed and first published, the redevelopment agency shall file with
661 the clerk of the superior court a return of notice setting forth the notice
662 given and, upon receipt of such return of notice, such clerk shall,
663 without any delay or continuance of any kind, issue a certificate of
664 taking setting forth the fact of such taking, a description of all the
665 property so taken and the names of the owners and of all other persons
666 having a record interest therein. The redevelopment agency shall cause
667 such certificate of taking to be recorded in the office of the town clerk
668 of each town in which such property is located. Upon the recording of
669 such certificate, title to such property in fee simple shall vest in the
670 municipality, and the right to just compensation shall vest in the
671 persons entitled thereto. At any time after such certificate of taking has
672 been so recorded, the redevelopment agency may repair, operate or
673 insure such property and enter upon such property, and take any
674 action that is proposed with regard to such property by the project
675 area redevelopment plan.

676 (d) The notice referred to above shall state that (1) not less than
677 twelve days or more than ninety days after service or mailing and first
678 publication thereof, the redevelopment agency shall file, with the clerk
679 of the superior court for the judicial district in which such property is
680 located, a return setting forth the notice given, (2) upon receipt of such
681 return, such clerk shall issue a certificate for recording in the office of
682 the town clerk of each town in which such property is located, (3) upon
683 the recording of such certificate, title to such property shall vest in the
684 municipality, the right to just compensation shall vest in the persons
685 entitled thereto and the redevelopment agency may repair, operate or
686 insure such property and enter upon such property and take any
687 action that may be proposed with regard thereto by the project area
688 redevelopment plan, and (4) such notice shall bind the widow or
689 widower, heirs, representatives and creditors of each person named
690 [therein] in the notice who then or thereafter may be dead.

691 (e) When any redevelopment agency acting on behalf of any
692 municipality has acquired or rented real property by purchase, lease,
693 exchange or gift in accordance with the provisions of this section, or in

694 exercising its right of eminent domain has filed a statement of
695 compensation and deposit with the clerk of the superior court and has
696 caused a certificate of taking to be recorded in the office of the town
697 clerk of each town in which such property is located as provided in
698 this section, any judge of such court may, upon application and proof
699 of such acquisition or rental or such filing and deposit and such
700 recording, order such clerk to issue an execution commanding a state
701 marshal to put such municipality and the redevelopment agency, as its
702 agent, into peaceable possession of the property so acquired, rented or
703 condemned. The provisions of this [section] subsection shall not be
704 limited in any way by the provisions of chapter 832.

705 Sec. 8. Section 8-132 of the general statutes is repealed and the
706 following is substituted in lieu thereof (*Effective from passage and*
707 *applicable to property acquired on or after said date*):

708 (a) Any person claiming to be aggrieved by the statement of
709 compensation filed by the redevelopment agency may, at any time
710 within six months after the [same] statement of compensation has been
711 filed, apply to the superior court for the judicial district in which such
712 property is situated for a review of such statement of compensation so
713 far as [the same] it affects such applicant. The court, after causing
714 notice of the pendency of such application to be given to the
715 redevelopment agency, may, with the consent of the parties or their
716 attorneys, appoint a judge trial referee to make a review of the
717 statement of compensation, except that the court shall, upon the
718 motion of each party or their attorneys, refer the application to a judge
719 appointed by the Chief Court Administrator to hear tax appeals
720 pursuant to section 12-39l, who shall consider such application in the
721 manner set forth in subsection (c) of this section. For the purposes of
722 such application, review and appeal therefrom, and for the purposes of
723 sections 52-192a to 52-195, inclusive, as amended by this act, such
724 applicant shall be deemed a counterclaim plaintiff.

725 (b) If the court appoints a judge trial referee, the judge trial referee,
726 after giving at least ten days' notice to the parties interested of the time

727 and place of hearing, shall hear the applicant and the redevelopment
728 agency, shall view the property and take such testimony as the judge
729 trial referee deems material and shall thereupon revise such statement
730 of compensation in such manner as the judge trial referee deems
731 proper and forthwith report to the court. Such report shall contain a
732 detailed statement of findings by the judge trial referee, sufficient to
733 enable the court to determine the considerations upon which the judge
734 trial referee's conclusions are based. The report of the judge trial
735 referee shall take into account any evidence relevant to the fair market
736 value of the property, including evidence of environmental condition
737 and required environmental remediation. The judge trial referee shall
738 make a separate finding for remediation costs and the property owner
739 shall be entitled to a set-off of such costs in any pending or subsequent
740 action to recover remediation costs for the property. The court shall
741 review the report, and may reject it for any irregular or improper
742 conduct in the performance of the duties of the judge trial referee. If
743 the report is rejected, the court may appoint another judge trial referee
744 to make such review and report. If the report is accepted, its statement
745 of compensation shall be conclusive upon such owner and the
746 redevelopment agency.

747 (c) If the court does not appoint a judge trial referee, the court, after
748 giving at least ten days' notice to the parties interested of the time and
749 place of hearing, shall hear the applicant and the redevelopment
750 agency and take such testimony as [it] the court deems material, may
751 view the subject property, and shall make a finding regarding the
752 statement of compensation. The findings of the court shall take into
753 account any evidence relevant to the fair market value of the property,
754 including evidence of environmental condition and required
755 environmental remediation. The court shall make a separate finding
756 for remediation costs and the property owner shall be entitled to a set-
757 off of such costs in any pending or subsequent action to recover
758 remediation costs for the property. The findings of the court shall be
759 conclusive upon such owner and the redevelopment agency.

760 (d) If no appeal to the Appellate Court is filed within the time

761 allowed by law, or if an appeal is filed and the proceedings have
762 terminated in a final judgment finding the amount due the property
763 owner, the clerk shall send a certified copy of the statement of
764 compensation and of the judgment to the redevelopment agency,
765 which shall, upon receipt thereof, pay such property owner the
766 amount due as compensation. The pendency of any such application
767 for review shall not prevent or delay any action that is proposed with
768 regard to such property by the project area redevelopment plan.

769 Sec. 9. Section 52-192a of the general statutes is repealed and the
770 following is substituted in lieu thereof (*Effective from passage and*
771 *applicable to applications filed on or after said date*):

772 (a) After commencement of any civil action based upon contract or
773 seeking the recovery of money damages, whether or not other relief is
774 sought, the plaintiff may, not earlier than one hundred eighty days
775 after service of process is made upon the defendant in such action but
776 not later than thirty days before trial, file with the clerk of the court a
777 written offer of compromise signed by the plaintiff or the plaintiff's
778 attorney, directed to the defendant or the defendant's attorney,
779 offering to settle the claim underlying the action for a sum certain. For
780 the purposes of this section, such plaintiff includes a counterclaim
781 plaintiff under section 8-132, as amended by this act. The plaintiff shall
782 give notice of the offer of compromise to the defendant's attorney or, if
783 the defendant is not represented by an attorney, to the defendant
784 himself or herself. Within thirty days after being notified of the filing
785 of the offer of compromise and prior to the rendering of a verdict by
786 the jury or an award by the court, the defendant or the defendant's
787 attorney may file with the clerk of the court a written acceptance of the
788 offer of compromise agreeing to settle the claim underlying the action
789 for the sum certain specified in the plaintiff's offer of compromise.
790 Upon such filing and the receipt by the plaintiff of such sum certain,
791 the plaintiff shall file a withdrawal of the action with the clerk and the
792 clerk shall record the withdrawal of the action against the defendant
793 accordingly. If the offer of compromise is not accepted within thirty
794 days and prior to the rendering of a verdict by the jury or an award by

795 the court, the offer of compromise shall be considered rejected and not
796 subject to acceptance unless refiled. Any such offer of compromise and
797 any acceptance of the offer of compromise shall be included by the
798 clerk in the record of the case.

799 (b) In the case of any action to recover damages resulting from
800 personal injury or wrongful death, whether in tort or in contract, in
801 which it is alleged that such injury or death resulted from the
802 negligence of a health care provider, an offer of compromise pursuant
803 to subsection (a) of this section shall state with specificity all damages
804 then known to the plaintiff or the plaintiff's attorney upon which the
805 action is based. At least sixty days prior to filing such an offer, the
806 plaintiff or the plaintiff's attorney shall provide the defendant or the
807 defendant's attorney with an authorization to disclose medical records
808 that meets the privacy provisions of the Health Insurance Portability
809 and Accountability Act of 1996 (P.L. 104-191) (HIPAA), as amended
810 from time to time, or regulations adopted thereunder, and disclose any
811 and all expert witnesses who will testify as to the prevailing
812 professional standard of care. The plaintiff shall file with the court a
813 certification that the plaintiff has provided each defendant or such
814 defendant's attorney with all documentation supporting such
815 damages.

816 (c) After trial the court shall examine the record to determine
817 whether the plaintiff made an offer of compromise which the
818 defendant failed to accept. If the court ascertains from the record that
819 the plaintiff has recovered an amount equal to or greater than the sum
820 certain specified in the plaintiff's offer of compromise, the court shall
821 add to the amount so recovered eight per cent annual interest on said
822 amount, except in the case of a counterclaim plaintiff under section 8-
823 132, as amended by this act, the court shall add to the amount so
824 recovered eight per cent annual interest on the difference between the
825 amount so recovered and the sum certain specified in the counterclaim
826 plaintiff's offer of compromise. The interest shall be computed from
827 the date the complaint in the civil action or application under section 8-
828 132, as amended by this act, was filed with the court if the offer of

829 compromise was filed not later than eighteen months from the filing of
830 such complaint or application. If such offer was filed later than
831 eighteen months from the date of filing of the complaint or application,
832 the interest shall be computed from the date the offer of compromise
833 was filed. The court may award reasonable attorney's fees in an
834 amount not to exceed three hundred fifty dollars, and shall render
835 judgment accordingly. This section shall not be interpreted to abrogate
836 the contractual rights of any party concerning the recovery of
837 attorney's fees in accordance with the provisions of any written
838 contract between the parties to the action.

839 Sec. 10. Section 8-268 of the general statutes is repealed and the
840 following is substituted in lieu thereof (*Effective from passage and*
841 *applicable to property acquired on or after said date*):

842 (a) (1) Whenever a program or project undertaken by a state agency
843 or under the supervision of a state agency will result in the
844 displacement of any person on or after July 6, 1971, the head of such
845 state agency shall make payment to any displaced person, upon proper
846 application as approved by such agency head, for [(1)] (A) actual
847 reasonable expenses in moving [himself, his] such displaced person
848 and such displaced person's family, business, farm operation or other
849 personal property, [(2)] (B) actual direct losses of tangible personal
850 property as a result of moving or discontinuing a business or farm
851 operation, but not to exceed an amount equal to the reasonable
852 expenses that would have been required to relocate such property, as
853 determined by the state agency, [and (3)] (C) actual reasonable
854 expenses in searching for a replacement business or farm, [provided,
855 whenever] and (D) actual reasonable expenses necessary to reestablish
856 a displaced farm, nonprofit organization or small business, as defined
857 in 49 CFR 24.2, as amended from time to time, at its new site, not to
858 exceed ten thousand dollars.

859 (2) Whenever any tenant in any dwelling unit is displaced as the
860 result of the enforcement of any code to which this section is applicable
861 by any town, city or borough or agency thereof, the landlord of such

862 dwelling unit shall be liable for any payments made by such town, city
863 or borough pursuant to this section or by the state pursuant to
864 subsection (b) of section 8-280, and the town, city or borough or the
865 state may place a lien on any real property owned by such landlord to
866 secure repayment to the town, city or borough or the state of such
867 payments, which lien shall have the same priority as and shall be filed,
868 enforced and discharged in the same manner as a lien for municipal
869 taxes under chapter 205.

870 (b) Any displaced person eligible for payments under subsection (a)
871 of this section who is displaced from a dwelling and who elects to
872 accept the payments authorized by this subsection in lieu of the
873 payments authorized by subsection (a) of this section may receive a
874 moving expense allowance, determined according to a schedule
875 established by the state agency, not to exceed [three] six hundred
876 dollars and a dislocation allowance of [two] four hundred dollars.

877 (c) Any displaced person eligible for payments under subsection (a)
878 of this section who is displaced from [his] the person's place of
879 business or from [his] the person's farm operation and who elects to
880 accept the payment authorized by this subsection in lieu of the
881 payment authorized by subsection (a) of this section, may receive a
882 fixed payment in an amount equal to the average annual net earnings
883 of the business or farm operation, except that such payment shall not
884 be less than two thousand five hundred dollars nor more than [ten]
885 twenty thousand dollars. In the case of a business, no payment shall be
886 made under this subsection unless the state agency is satisfied that the
887 business (1) cannot be relocated without a substantial loss of its
888 existing patronage, and (2) is not a part of a commercial enterprise
889 having at least one other establishment not being acquired by the state,
890 which is engaged in the same or similar business. For purposes of this
891 subsection, [the term] "average annual net earnings" means one half of
892 any net earnings of the business or farm operation, before federal, state
893 and local income taxes, during the two taxable years immediately
894 preceding the taxable year in which such business or farm operation
895 moves from the real property acquired for such project, or during such

896 other period as such agency determines to be more equitable for
897 establishing such earnings, and includes any compensation paid by the
898 business or farm operation to the owner, [his] the owner's spouse or
899 [his] the owner's dependents during such period.

900 (d) Notwithstanding the provisions of this section, the head of the
901 state agency shall make relocation payments as provided under the
902 federal Uniform Relocation Assistance and Real Property Acquisition
903 Policies Act of 1970, 42 USC 4601 et seq. and any subsequent
904 amendments thereto and regulations promulgated thereunder if
905 payments under said act and regulations would be greater than
906 payments under this section and sections 8-269 and 8-270, as amended
907 by this act.

908 Sec. 11. Section 8-269 of the general statutes is repealed and the
909 following is substituted in lieu thereof (*Effective from passage and*
910 *applicable to property acquired on or after said date*):

911 (a) In addition to payments otherwise authorized by this chapter,
912 the state agency shall make an additional payment not in excess of
913 [fifteen thousand] twenty-two thousand five hundred dollars to any
914 displaced person who is displaced from a dwelling actually owned
915 and occupied by such displaced person for not less than one hundred
916 [and] eighty days prior to the initiation of negotiations for the
917 acquisition of the property. Such additional payment shall include the
918 following elements:

919 (1) The amount, if any, which when added to the acquisition cost of
920 the dwelling acquired, equals the reasonable cost of a comparable
921 replacement dwelling which is a decent, safe and sanitary dwelling
922 adequate to accommodate such displaced person, reasonably
923 accessible to public services and places of employment and available
924 on the private market. All determinations required to carry out this
925 subdivision shall be made by the applicable regulations issued
926 pursuant to section 8-273;

927 (2) [the] The amount, if any, which will compensate such displaced

928 person for any increased interest cost which such person is required to
929 pay for financing the acquisition of any such comparable replacement
930 dwelling. Such amount shall be paid only if the dwelling acquired was
931 encumbered by a bona fide mortgage which was a valid lien on such
932 dwelling for not less than one hundred [and] eighty days prior to the
933 initiation of negotiations for the acquisition of such dwelling. Such
934 amount shall be equal to the excess in the aggregate interest and other
935 debt service costs of that amount of the principal of the mortgage on
936 the replacement dwelling which is equal to the unpaid balance of the
937 mortgage on the acquired dwelling, over the remainder term of the
938 mortgage on the acquired dwelling, reduced to discounted present
939 value. The discount rate shall be the prevailing interest rate on savings
940 deposits by commercial banks in the general area in which the
941 replacement dwelling is located; and

942 (3) [reasonable] Reasonable expenses incurred by such displaced
943 person for evidence of title, recording fees and other closing costs
944 incident to the purchase of the replacement dwelling, but not including
945 prepaid expenses.

946 (b) Notwithstanding the provisions of this section, the head of the
947 state agency shall make relocation payments as provided under the
948 federal Uniform Relocation Assistance and Real Property Acquisition
949 Policies Act of 1970, 42 USC 4601 et seq. and any subsequent
950 amendments thereto and regulations promulgated thereunder if
951 payments under said act and regulations would be greater than
952 payments under this section and sections 8-268 and 8-270, as amended
953 by this act.

954 [(b)] (c) The additional [payment] payments authorized by this
955 section shall be made only to such a displaced person who purchases
956 and occupies a replacement dwelling which is decent, safe and
957 sanitary not later than the end of the one year period beginning on the
958 date on which [he] such displaced person receives final payment of all
959 costs of the acquired dwelling, or on the date on which [he] such
960 displaced person moves from the acquired dwelling, whichever is the

961 later date.

962 Sec. 12. Section 8-270 of the general statutes is repealed and the
963 following is substituted in lieu thereof (*Effective from passage and*
964 *applicable to property acquired on or after said date*):

965 (a) In addition to amounts otherwise authorized by this chapter, a
966 state agency shall make a payment to or for any displaced person
967 displaced from any dwelling not eligible to receive a payment under
968 section 8-269, as amended by this act, which dwelling was actually and
969 lawfully occupied by such displaced person for not less than ninety
970 days prior to the initiation of negotiations for acquisition of such
971 dwelling under the program or project which results in such person
972 being displaced. Such payment shall be either (1) the amount necessary
973 to enable such displaced person to lease or rent for a period not to
974 exceed four years, a decent, safe, and sanitary dwelling of standards
975 adequate to accommodate such person in areas not generally less
976 desirable [in] with regard to public utilities and public and commercial
977 facilities, and reasonably accessible to [his] such displaced person's
978 place of employment, but not to exceed [four thousand] five thousand
979 two hundred fifty dollars, or (2) the amount necessary to enable such
980 displaced person to make a down payment, including reasonable
981 expenses incurred by such displaced person for evidence of title,
982 recording fees, and other closing costs incident to the purchase of a
983 decent, safe, and sanitary dwelling of standards adequate to
984 accommodate such person in areas not generally less desirable [in]
985 with regard to public utilities and public and commercial facilities, but
986 not to exceed [four thousand dollars, except that if such amount
987 exceeds two thousand dollars, such person must equally match any
988 such amount in excess of two thousand dollars in making the
989 downpayment, and provided, whenever] five thousand two hundred
990 fifty dollars. Whenever any tenant in any dwelling unit is displaced as
991 the result of the enforcement of any code to which this section is
992 applicable by any town, city or borough or agency thereof, the
993 landlord of such dwelling unit shall be liable for any payments made
994 by such town, city or borough pursuant to this section or by the state

995 pursuant to subsection (b) of section 8-280, and the town, city or
996 borough or the state may place a lien on any real property owned by
997 such landlord to secure repayment to the town, city or borough or the
998 state of such payments, which lien shall have the same priority as and
999 shall be filed, enforced and discharged in the same manner as a lien for
1000 municipal taxes under chapter 205.

1001 (b) Notwithstanding the provisions of this section, the head of the
1002 state agency shall make relocation payments as provided under the
1003 federal Uniform Relocation Assistance and Real Property Acquisition
1004 Policies Act of 1970, 42 USC 4601 et seq. and any subsequent
1005 amendments thereto and regulations promulgated thereunder if
1006 payments under said act and regulations would be greater than
1007 payments under this section and sections 8-268 and 8-269, as amended
1008 by this act.

1009 Sec. 13. (NEW) (*Effective from passage*) (a) No person who negotiates
1010 the acquisition or rental of real property may represent in such
1011 negotiation that the person has the power to acquire the property by
1012 eminent domain unless the person has such power.

1013 (b) Any violation of subsection (a) of this section shall be deemed an
1014 unfair or deceptive trade practice under subsection (a) of section 42-
1015 110b of the general statutes.

1016 Sec. 14. Section 8-191a of the general statutes is repealed and the
1017 following is substituted in lieu thereof (*Effective from passage*):

1018 No plan prepared and approved under sections 8-189 and 8-191, as
1019 amended by this act, which includes the findings enumerated in
1020 [subsection (k)] subdivisions (12) and (13) of section 8-189, as amended
1021 by this act, shall be invalid and deemed ineffective solely because of
1022 the commissioner's failure to comply with any provision of sections
1023 22a-1a to 22a-1f, inclusive. All actions taken by the commissioner
1024 between February 1, 1975, and June 14, 1977, are validated. Nothing in
1025 this section or section 8-191, as amended by this act, 8-193, as amended
1026 by this act or 8-196 shall relieve the commissioner from [his] the

1027 commissioner's obligation to comply with sections 22a-1a to 22a-1f,
1028 inclusive, subsequent to June 14, 1977.

1029 Sec. 15. Section 48-56 of the general statutes is repealed and the
1030 following is substituted in lieu thereof (*Effective from passage*):

1031 There is established, within the General Fund, an Ombudsman for
1032 Property Rights account that shall be a separate nonlapsing account.
1033 Any funds received under [this] section 48-55 shall, upon deposit in
1034 the General Fund, be credited to said account and may be used by the
1035 Office of Ombudsman for Property Rights in the performance of its
1036 duties.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage and applicable to property acquired on or after said date</i>	8-193
Sec. 2	<i>from passage</i>	8-189
Sec. 3	<i>from passage</i>	8-191
Sec. 4	<i>from passage and applicable to property acquired on or after said date</i>	8-200
Sec. 5	<i>from passage and applicable to property acquired on or after said date</i>	32-224
Sec. 6	<i>from passage and applicable to property acquired on or after said date</i>	8-128
Sec. 7	<i>from passage and applicable to property acquired on or after said date</i>	8-129

Sec. 8	<i>from passage and applicable to property acquired on or after said date</i>	8-132
Sec. 9	<i>from passage and applicable to applications filed on or after said date</i>	52-192a
Sec. 10	<i>from passage and applicable to property acquired on or after said date</i>	8-268
Sec. 11	<i>from passage and applicable to property acquired on or after said date</i>	8-269
Sec. 12	<i>from passage and applicable to property acquired on or after said date</i>	8-270
Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>from passage</i>	8-191a
Sec. 15	<i>from passage</i>	48-56

JUD *Joint Favorable Subst.*

PD *Joint Favorable*

APP *Joint Favorable*